



action is attached as Exhibit F; (vii) a list of all counsel of record, including addresses, phone numbers, and the parties represented is attached as Exhibit G; and (viii) an Affidavit of Lisa Levin attached as Exhibit H.

3. This notice of removal is timely filed under 28 U.S.C. §1446(b) because it is filed within thirty days after Defendant first received a copy of a paper from which it could first be ascertained that the case is one which is or has become removable; *i.e.*, Plaintiff's First Amended Petition.

4. The claims asserted against Defendant are civil actions over which this Court has original jurisdiction pursuant to 28 U.S.C. § 1332. At the time this action was commenced, Plaintiff was, and still is a citizen of the State of Texas.<sup>1</sup> Defendant is a "Lloyd's Plan" organized under Chapter 941 of the Texas Insurance Code. A Lloyd's Plan is an unincorporated association of underwriters who sell insurance through an attorney-in-fact or other representative.<sup>2</sup> The citizenship of a Lloyd's Plan insurer, like all unincorporated associations, is determined by the citizenship of its members.<sup>3</sup> Hartford's underwriters are citizens of the states of Connecticut and Illinois.<sup>4</sup> Thus, Hartford is a citizen and resident of the states of Connecticut and Illinois for purposes of diversity.<sup>5</sup>

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<sup>1</sup> See Exhibit C. On information and belief, Plaintiff is a Texas corporation, not an individual.

<sup>2</sup> TEX. INS. CODE §§ 941.001, 941.051-941.052; *Salazar v. Allstate Tex. Lloyd's, Inc.*, 455 F.3d 571, 572 n.1 (5<sup>th</sup> Cir. 2006); *Royal Ins. Co. of Am. v. Quinn-L Capital Corp.*, 3 F.3d 877, 882 (5<sup>th</sup> Cir. 1993), *cert. denied*, 511 U.S. 1032 (1994).

<sup>3</sup> *Royal Ins. Co. of Am.*, 3 F.3d at 882; *Cronin v. State Farm Lloyds*, No. H-08-1983, 2008 WL 4649653, at \*2 (S.D. Tex. Oct. 10, 2008); *Massey v. State Farm Lloyd's Ins. Co.*, 993 F. Supp. 568, 570 (S.D. Tex. 1998).

<sup>4</sup> Exhibit G, Affidavit of Lisa Levin.

<sup>5</sup> See *Royal Ins. Co. of Am.*, 3 F.3d at 882.

5. The amount in controversy exceeds \$75,000 as indicated by the claims asserted in Plaintiff's Second Amended Petition.<sup>6</sup>

6. The one-year statute of limitation on removal of diversity cases imposed by 28 U.S.C. § 1446(b) does not prevent removal because this action was commenced less than one year ago.

7. Notice to State Court. Pursuant to 28 U.S.C. § 1446(d), Defendant intends to serve written notice of this removal on the state court promptly after filing this Notice of Removal.

FOR THESE REASONS, Defendant hereby effectuates removal of this cause to this Court.

Respectfully submitted,

/s/ Laura J. Grabouski

Laura J. Grabouski

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**ATTORNEYS FOR DEFENDANT**

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<sup>6</sup> See Exhibit E, Plaintiff's Second Amended Petition, paragraph 70 ("Plaintiff seeks monetary relief of more than \$1,000,000.").

**CERTIFICATE OF SERVICE**

I hereby certify that a true and complete copy of the above and foregoing document was served on counsel of record below via electronic mail on January 12, 2017.

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/s/ Laura J. Grabouski

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Laura J. Grabouski